



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 1, 2008
AGENDA DATE: October 8, 2008
PROJECT ADDRESS: 930 Philinda Avenue (MST2005-00823)

TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *[Signature]*
 Suzanne Johnston, Assistant Planner *[Signature]*

I. PROJECT DESCRIPTION

The proposal is a request for a two-year extension of the expiration date of the Tentative Subdivision Map approved by the Staff Hearing Officer on December 6, 2006. An existing carport would be converted into a four-car garage and one new one-car garage would be constructed. A total of five covered spaces and three uncovered spaces would be provided. Several other exterior improvements are proposed, including a new trash enclosure, patio area, retaining wall, and new second-story deck.

The discretionary applications approved for the project by the Staff Hearing Officer were:

1. Modification to allow a fountain to be located within the rear yard setback (SBMC §28.21.060 and 28.92.110);
2. Tentative Subdivision Map for a one-lot subdivision to create four (4) condominium units (SBMC §27.07); and
3. Condominium Conversion Permit to convert four (4) existing residential units to four (4) condominium units (SBMC §28.88).

II. DISCUSSION

On July 15, 2008, Governor Schwarzenegger signed SB 1185 into law, which extends approvals of Tentative Subdivision Maps by one year. This new law affected maps approved on or before July 15, 2008 by extending the initial approval period of two years by one year automatically, for a total of three years. Therefore the approval of this project would expire on December 6, 2009. According to SBMC §27.07.110, *Expiration and Extension of Tentative Maps*, the subdivider may request an extension of the tentative map approval not to exceed an aggregate of three (3) years beyond the expiration of the original twenty-four (24) month period. In granting the extension, the Staff Hearing Officer may impose new conditions or revise existing conditions.

The applicant has requested a two-year extension for the following reasons: 1) The project has completed the Building and Safety Division plan check process; 2) The parcel map plan check has been submitted to the Engineering Division; and, 3) the extension will allow the owners to continue their efforts to obtain construction financing in combination with the effects of the soft real estate market.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 for the extension of time limits on an approved project where circumstances have not changed.

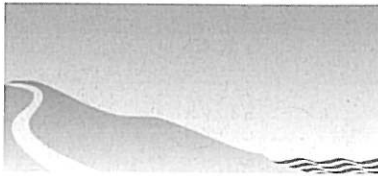
III. RECOMMENDATION

Staff does not recommend any new or revised conditions of approval. The project continues to conform to the City's Zoning and Building Ordinances and policies of the General Plan; therefore, Staff recommends that the Staff Hearing Officer approve the two-year time extension, to December 6, 2011, for the Tentative Subdivision Map, subject to the original conditions of approval included in Exhibit C.

Exhibits:

- A. Applicant's letter, dated August 28, 2008
- B. Staff Hearing Officer Staff Report for December 6, 2006 (w/o exhibits)
- C. Staff Hearing Officer Resolution No. 089-06

LAURA M. BRIDLEY, AICP



LAND USE PLANNING ■ TRANSPORTATION PLANNING ■ PROJECT MANAGEMENT



August 28, 2008

City of Santa Barbara
Planning Division
630 Garden Street
Santa Barbara, CA 93101

Hand Delivered

Re: Application for a Time Extension for 930 Philinda Avenue Condominium Conversion MST-2005-00778

Dear Staff,

Please consider this letter an application for a time extension of up to two years for the condominium conversion application approved by the Staff Hearing Officer on December 6, 2006. With this letter I am including the City application form for a time extension, a check in the amount of \$180, and a copy of the Resolution 088-06, approving the parcel map and condominium conversion for this case.

My clients for this project, Alison and Lance Kronberg, have received final ABR approval for the building changes, and have completed the plan check process with the City's Building and Safety Division. Additionally, they are in progress with plan check by the Engineering Division of the parcel map. However, these owners are still seeking construction financing, which has been difficult to obtain throughout the industry. This challenge, as well as the very soft real estate market, has caused the owners to seek a time extension so that they can continue with the project beyond its original expiration date of December 6, 2008.

If you or other City staff members wish to discuss this further, please do not hesitate to contact me at (805) 966-7260, or by email at laurabridley@cox.net.

Very truly yours,

Laura M. Bridley, AICP

Cc: Rosario and Linda Perry/CERDOC, owners of 930 Philinda
David Jones, Lenvik and Minor
Mike Caccese, MAC Design Associates
Joe Waters, Waters Land Surveying

Exhibit A





City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: November 30, 2006
AGENDA DATE: December 6, 2006
PROJECT ADDRESS: 930 Philinda Avenue (MST2005-00823)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
Chelsey Swanson, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of converting four existing three-bedroom apartments to four condominiums. An existing carport would be converted into a four-car garage and one new one-car garage would be constructed. A total of five covered spaces and three uncovered spaces would be provided. Several other exterior improvements are proposed, including a new trash enclosure, patio area, retaining wall, and new second-story deck.

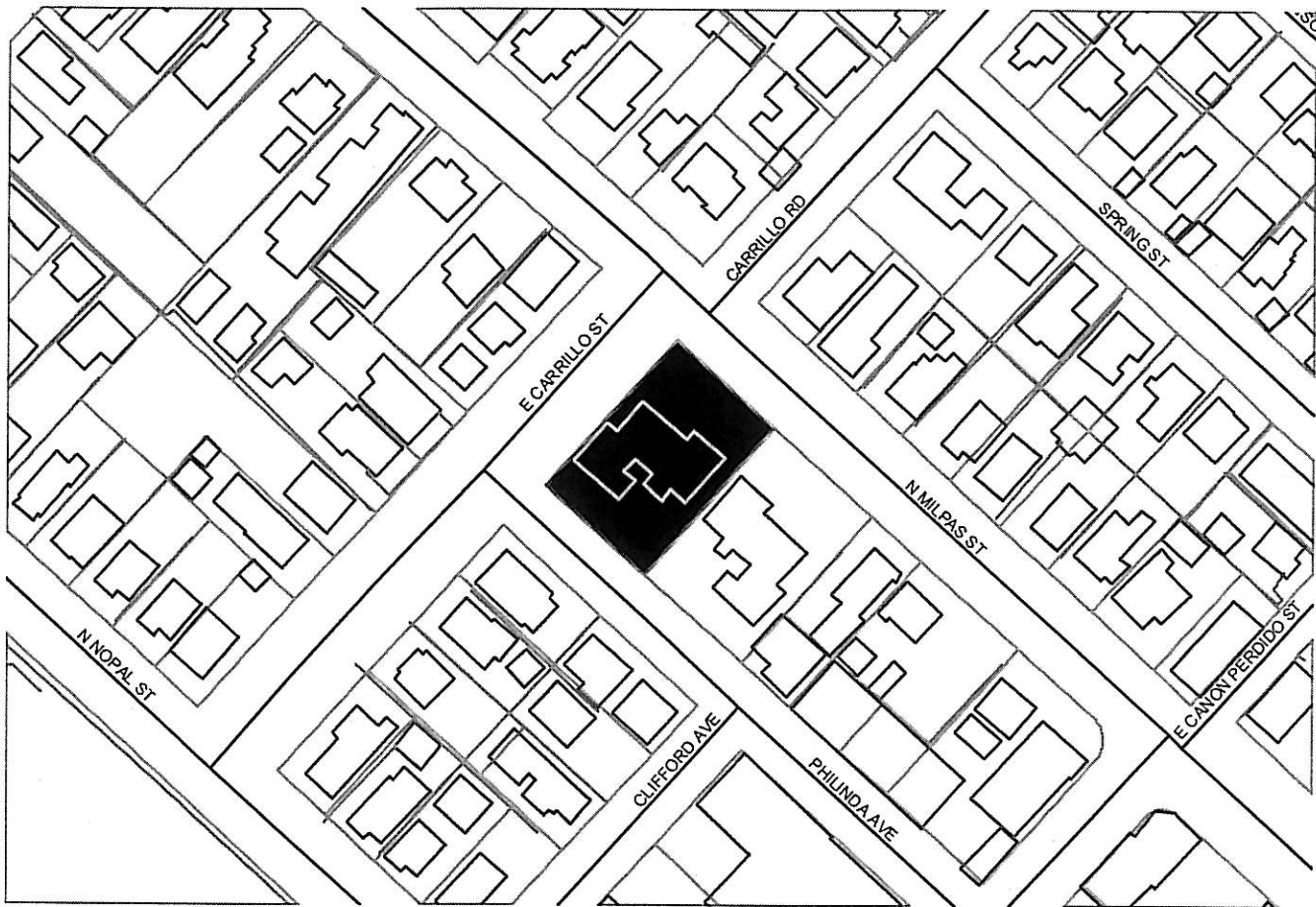
II. REQUIRED APPLICATION

The proposed project will require the following discretionary applications:

1. Modification to allow a fountain to be located within the rear yard setback (SBMC §28.21.060 and 28.92.110);
2. Tentative Subdivision Map for a one-lot subdivision to create four (4) condominium units (SBMC §27.07); and
3. Condominium Conversion Permit to convert four (4) existing residential units to four (4) condominium units (SBMC §28.88).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood and the project meets the intent of the Condominium Conversion Ordinance. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map – 930 Philinda Avenue

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Laura Bridley	Property Owner:	Rosario and Linda Perry
Parcel Number:	029-313-001	Lot Area:	15,225 sq. ft.
General Plan:	Residential, 12 units/acre	Zoning:	C-2, Commercial Zone
Existing Use:	Residential	Topography:	14.6% average slope
Adjacent Land Uses:			
North – Residential		East – Residential	
South – Residential		West – Residential	

B. PROJECT STATISTICS

	Living Area (net sq. ft.)	Garage (net sq. ft.)	Storage (cubic ft.)
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Unit 1	945	242	250
Unit 2	1,267	390	280
Unit 3	1,220	195	240
Unit 4	1,206	195	240
Total	4,638	1,022	1,010

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front	10'	5' along Carrillo , >10' at other two front yards	No change
-Interior	6'	N/A	No change
-Rear	6' (1 st story) & 10' (2 nd story)	>10'	No change, except fountain within setback
Building Height	60' & four stories	24'	No change
Parking	8 spaces	4 covered, 2 uncovered	5 covered, 3 uncovered
Lot Area Required for Each Unit (Variable Density)	At least 2,800 sq. ft./ unit	3,806 sq. ft./ unit	No change
10% Open Space	1,522 sq. ft.	Requirement exceeded	3,963 sq. ft. (26%)
Private Outdoor Living Space	160 sq. ft. – 1 st floor OR 96 sq. ft. – 2 nd floor	Requirement exceeded	Unit 1 – 564 sq. ft. Unit 2 – 237 sq. ft. Unit 3 – 405 sq. ft. Unit 4 – 132 sq. ft. (2 nd floor)
Lot Coverage -Building -Paving/Driveway -Common hardscape -Private open spaces -Other Landscaping	N/A	2,975 sq. ft. 20% 1,703 sq. ft. 11% 424 sq. ft. 3% 1,464 sq. ft. 10% 8,659 sq. ft. 56%	3,259 sq. ft. 21% 2,569 sq. ft. 17% 632 sq. ft. 4% 1,206 sq. ft. 8% 7,559 sq. ft. 50%

The proposed project would meet the requirements of the C-2, Commercial Zone, with the exception of a fountain being proposed within a rear yard setback. The project would also meet the Physical Standards for Condominium Conversions per SBMC 28.88.040, including requirements for private storage space, laundry facilities in each unit, parking requirements, and outdoor living spaces.

VI. ISSUES

A. DESIGN REVIEW

This project was reviewed on the Architectural Board of Review (ABR) Consent Calendar on one occasion. On March 13, 2006 the ABR carried forward the comments previously made during the December, 2005 conceptual review of 924 Philinda Avenue, as applicable to this project due to the "mirror image" design of the projects (meeting minutes are attached as Exhibit C). Those comments were that the condominium conversion is appropriate and the exterior improvements will be an upgrade, including the conversion of the carport to a garage; the new second story deck for Unit 4; the upgraded hardscape materials; and the introduction of the trash enclosure walls as they help to create a sense of entry to the site. A condition has been added to assure that the Board's request is included in the plans. The Board also looked forward to seeing an upgrade of the hardscaping to create a stronger pedestrian access with the submitted landscape plan. The ABR also found the modification request for the fountain at the end of the driveway to be acceptable given that it creates a beautiful focal point to the project and given the technical nature of the modification. In addition to these comments, the ABR added that landscaping should be added in front of the proposed trash enclosure, and this has been incorporated into the project's preliminary landscape plan. No other changes to the proposed project have occurred since the conceptual review.

B. REAR YARD MODIFICATION

The project site has three front yard setbacks and one rear yard setbacks because the subject property fronts Carrillo and Milpas Streets, and Philinda Avenue. The rear yard setback is applicable to the property line that divides the project site from 924 Philinda Avenue. SBMC §28.21.060 states that in the event of two or more front lot lines, the rear yard area shall be opposite either of the front lot lines. Although this is a rear lot line, it does not function as a rear yard because there are no physical boundaries along the property line, which runs along the shared driveway between the two properties. A fountain is proposed to be located adjacent to the rear property line on 930 Philinda, in the middle of where the shared driveway ends. It provides a central architectural element for both sites and would not create privacy or adverse impacts to residents on either property. Staff is supportive of this modification request and believes it is necessary to secure an appropriate improvement on the property. The ABR also found the modification request supportable.

C. COMPLIANCE WITH THE GENERAL PLAN

Before a condominium project and a tentative subdivision map can be approved, both must be found consistent with the City's General Plan.

Land Use Element: The project is located within the northeastern limit of the Laguna neighborhood, as described in the Land Use Element of the General Plan. This neighborhood is developed in its eastern and northern portions with single-family

dwelling, duplexes, and higher-density multiple-residential units interspersed throughout the neighborhood. The General Plan recognizes that, because this neighborhood is within walking distance to the downtown and other employment areas, the conversion of single-family residences into duplex and multiple dwellings is appropriate. To enable such development, the General Plan calls for 12 dwelling units per acre throughout the neighborhood. The General Plan also identifies the C-2 zoned areas in this neighborhood as areas that should be developed with residential uses. The existing density at the project site is approximately 11.4 units per acre, which would not change as a result of the project. The project's proposed use and residential density is consistent with the General Plan.

Housing Element: Santa Barbara has very little vacant or available land for new residential development and, therefore, City housing policies support build out of infill housing units in the City's urban areas where individual projects are deemed appropriate and compatible. The condominium conversion would provide for homeowner opportunities in a neighborhood with adjacent proximity to a commercial center.

A goal of the Housing Element is to assist in the production of new housing opportunities, through the public and private sector, which vary sufficiently in type and affordability to meet the needs of all economic and social groups. The proposed project contains all relatively modest unit sizes. The proposed residential units would not be restricted to low- or moderate-income households because the historical rental rates of the units do not merit affordability requirements.

D. ENVIRONMENTAL REVIEW

Archaeological Resources: The project site is located within the American Period 1870-1900, and Early 20th Century Period 1900-1920, Cultural Resource Sensitivity Zones, as identified in the City's Master Environmental Assessment (MEA). Further, the MEA identifies a known resource site located in close proximity to the project site. A Phase I Archaeological Resources Report was prepared and accepted by the Historic Landmarks Commission (HLC) on October 18, 2006. The report confirmed that an archaeological site was identified approximately 400 feet northwest of the project site, and that the 600 square foot site is extremely localized to two properties located along Milpas Street. The Report concluded that based on the overall good reliability of the archaeological surface survey, evidence of extensive previous ground disturbance, and absence of any prehistoric or history cultural materials, the potential for the proposed project to encounter unknown but potentially significant prehistoric remains is considered very unlikely. A standard condition of approval has been implemented for the purpose of avoiding impacts to archaeological resources; in the unlikely event that ground disturbance reveals the presence of cultural artifacts or sites.

Noise Sources: The City's Master Environmental Assessment indicates that the project site is located in an area exposed to a noise level of 60-65 dBA L_{dn} (average A-weighted sound level over a 24-hour day). The General Plan Noise Element Land Use

Compatibility Guidelines identify up to 60 dBA L_{dn} as the maximum compatible exterior noise level for residential uses and 45 dBA L_{dn} for interior noise levels. A noise study prepared by David Lord, and dated April 24, 2006 was provided for this project for the purpose of determining noise exposure levels in outdoor and indoor living areas (attached as Exhibit D). Noise sources on the property derive from traffic on Carrillo, Milpas, and Canon Perdido Streets. Measurements were taken on the northeast and southwest portions of the parcel, near the intersection of Carrillo and Milpas Streets and Carrillo Street and Philinda Avenue. The parcel slopes up toward Milpas Street, therefore, the noise level was measure at the second floor level, as line-of-sight noise from the street. The highest level measured was 56 dBA L_{dn} . The study concluded that both exterior and interior noise levels would comply with the Land Use Compatibility Guidelines of the City's Noise Element, and no mitigation would be required.

Conclusion: Staff has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15301, Existing Facilities, for the division of existing multiple-family residences into common interest ownership.

VII. FINDINGS

A. REAR YARD MODIFICATION (SBMC §28.21.060 AND 28.92.110)

The modification to the rear yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the property. The fountain would provide an exterior upgrade on-site, and aesthetically improve the appearance of the existing development.

B. TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

C. CONDOMINIUM CONVERSION (SBMC §28.88.120)

1. All provisions of the Condominium Conversion Ordinance are met and the project will not be detrimental to the health, safety, and general welfare of the community.
2. The proposed conversion is consistent with the General Plan of the City of Santa Barbara and with the density requirement of its Land Use Element.

3. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed complete, except as otherwise provided in the Condominium Conversion Ordinance.
4. The overall design (including project amenities) and physical condition of the conversion will result in a project, which is aesthetically attractive, safe, and of quality construction.
5. The units have not been "affordable rental units"; therefore, affordability restrictions do not apply to the project.
6. The Applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review through the date of approval.
7. The owner notified the tenants at 930 Philinda Avenue about the condominium conversion proposal and informed the tenant of their rights pursuant to SBMC §28.88.
8. The project is exempt from the provisions of Section 28.88.130 because the project consists of fewer than five units.

Exhibits:

- A. Conditions of Approval
- B. Applicant's Letter, dated June 22, 2006
- C. ABR Minutes
- D. Noise Study



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 089-06

930 PHILINDA AVENUE

SETBACK MODIFICATION, TENTATIVE SUBDIVISION MAP, AND CONDOMINIUM CONVERSION

DECEMBER 6, 2006

APPLICATION OF LAURA BRIDLEY, AGENT FOR ROSARIO AND LINDA PERRY, OWNERS, 930 PHILINDA AVENUE, APN 029-313-001, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, TWELVE UNITS/ ACRE (MST2005-00823)

The project consists of converting four existing three-bedroom apartments to four condominiums. An existing carport would be converted into a four-car garage and one new one-car garage would be constructed. A total of five covered spaces and three uncovered spaces would be provided. Several other exterior improvements are proposed, including a new trash enclosure, patio area, retaining wall, and new second-story deck.

The discretionary applications required for this project are:

1. Modification to allow a fountain to be located within the rear yard setback (SBMC 28.21.060 and 28.92.110);
2. Tentative Subdivision Map for a one-lot subdivision to create four (4) condominium units (SBMC §27.07); and
3. Condominium Conversion Permit to convert four (4) existing residential units to four (4) condominium units (SBMC §28.88).

Staff has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15301, Existing Facilities, for the division of existing multiple-family residences into common interest ownership.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 6, 2006.
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the project, which conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood and the project meets the intent of the Condominium Conversion Ordinance, making the findings outlined in Section VII of the Staff Report and subject to the conditions of approval.
- II. Said approval is subject to the following conditions:
 - A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following
 1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
 3. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on December 6, 2006 is limited to the conversion of four residential units to condominiums and the improvements shown on the plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 4. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain the drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official and/or the Public Works Director.
 5. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also

provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.

- b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
- c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
- d. **Trash and Recycling.** A covenant that includes a requirement that adequate space shall be provided and maintained for trash and recycling purposes.
- e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

B. **Design Review.** The following are subject to the review and approval of the Architectural Board of Review (ABR) prior to the issuance of a building permit or public works permit (as applicable):

- 1. **Trash and Recycling Containers.** Trash enclosure areas for trash and recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Provide equal sized containers for both trash and recycling.
- 2. **Landscape Plan.** Plans showing the existing and proposed landscaping, including and more-defined pedestrian access in the hardscape area.
- 3. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.

C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project:

- 1. **Street Public Improvements.** The Owner shall submit C-1 public improvement or building plans for construction of improvements along the property frontage on Philinda Avenue. The C-1 plans shall be submitted separately from plans submitted for a Building permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, asphalt concrete, crack seal to the centerline of the street along entire subject property frontage,

underground service utilities, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of curb drain outlets, slot/trench drain (provide on/off-site storm water BMP plan), preserve and/or reset survey monuments and contractor stamps, and provide adequate positive drainage from site. Existing private sewer lateral(s) serving the property shall be repaired before new dwellings are occupied. Any existing sewer laterals identified to be abandoned, shall be disconnected at the sewer mainline connection. A licensed plumber shall verify if the property requires a backwater valve. If existing lateral already has a backwater valve, then it shall be inspected. The building plans, drainage calculations and hydrology report shall be prepared by a registered civil engineer or licensed architect. Any work in the public right of way requires a public works permit.

2. **Drainage Calculations or a Hydrology Report.** The Owner shall submit drainage calculations or a hydrology report justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event.

D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:

1. **Design Review Requirements Included on Plans:** Plan submitted for building permits shall show all design elements, as approved by Architectural Board of Review.
2. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the

remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

3. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

New Year's Day	January 1 st *
Martin Luther King's Birthday	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th *
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving
Day	
Christmas Day	December 25 th *

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work at night, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in SBMC § 9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

4. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition

compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Parcel Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date	
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- E. **Public Works Submittal Prior to Final Map Recordation.** Owners shall submit the following or evidence of completion of the following to the Public Works Department prior to the recordation of the Final Map.
1. **Certificate of Occupancy for Physical Standards for Condominium Conversions.** Owner shall complete all necessary work in order to comply with the Physical Standards for Condominium Conversions specified in SBMC § 28.88.040 of the Municipal Code and receive a final certification of occupancy for such work.
 2. **Building Permit Required for Conversion.** Evidence that a conversion permit has been issued for the conversion of the four residential units to four condominiums.
 3. **Parcel Map.** Owners shall submit a Parcel Map to the Public Works Department acceptable for recordation. The Parcel Map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with current Subdivision Map Act and in conformance with the requirements of the City Survey Control Ordinance.
 4. **Dedication.** Easements as shown on the approved Tentative Subdivision Map, subject to approval by the Public Works Department and/or the Building and Safety Division:
 - a. A reciprocal access easement between APN 029-313-001 and APN 029-313-002.

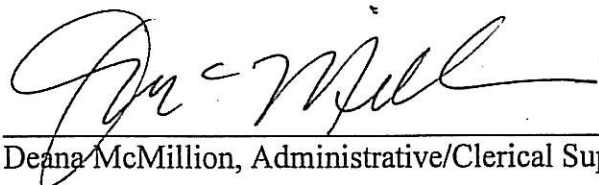
5. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 6. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
 7. **Maintenance Agreement Required.** The Owner shall submit an Executed Agreement for Maintenance of the proposed driveway, subject to the review and approval of the Public Works Director and City Attorney.
 8. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
- F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy for the condominium conversion permit, the Owners of the Real Property shall submit the following or evidence of completion of the following to the Public Works Department:
1. Recordation of Final Map.
 2. Recordation of the Agreement Relating to Subdivision Map Conditions Imposed on Real Property.
 3. Recordation of Private Covenants.
 4. **Repair Damaged Public Improvements.** Repair any damaged public improvements caused by construction (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of the City Arborist.
 5. **Backflow or Backwater Device.** Provide an approved backflow or backflow device for the irrigation meter, placed on the property side of consumer's service pursuant to SBMC §14.20.120.
 6. **Complete Public Improvements.** Public improvements constructed as shown on the building plans.
- G. **Litigation Indemnification Agreement.** In the event the Staff Hearing Officer approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's

Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

This motion was passed and adopted on the 6th day of December, 2006 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Deana McMillion, Administrative/Clerical Supervisor

12-12-06

Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
3. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
4. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.

5. **NOTICE OF TENTATIVE SUBDIVISION MAP AND CONDOMINIUM
CONVERSION TIME LIMITS:**

The Staff Hearing Officer's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.